

2007 DRAFTING REQUEST

Bill

Received: **02/18/2007**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **Lloyd Clark (aide)**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - decisionmaking**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.wisconsin.gov**

Carbon copy (CC:) to: **robin.ryan@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Prohibiting refusal to honor a document of gift for donation of an anatomical gift

Instructions:

See Attached; same as 2005 AB 168

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 02/18/2007	jdyer 02/27/2007					
/1			nmatzke 02/27/2007		sbasford 02/27/2007	lparisi 03/07/2007	

FE Sent For: *none*

<END>

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/?	dkennedy	1 2/26 jld	nwn 2/27	nwn/jf 2/27			

FE Sent For:

<END>

Kennedy, Debora

From: Duerst, Christina
Sent: Friday, February 16, 2007 1:53 PM
To: Kennedy, Debora
Subject: FW: Message for Debora Kennedy - DRAFTING REQUEST

From: Clark, Lloyd
Sent: Friday, February 16, 2007 1:48 PM
To: LRB.Legal
Subject: Message for Debora Kennedy - DRAFTING REQUEST

Date: 2/16/07

Legislator: Rep. Staskunas
Staff Contact: Lloyd Clark 6-0620

Bill Description:

Exactly the same as LRB-0906/2 (2005 AB 168)

157.06 (2) (h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death. No family member or guardian of the donor, no agent under the donor's power of attorney for health care or financial power of attorney, and no personal representative for the estate of a donor may refuse to honor the donor's document of gift or attempt to avoid honoring the donor's document of gift.

Request is Confidential.

Request is Non-urgent

Request should not take priority over other requests by Rep. Staskunas.

Thanks!

Lloyd Clark

Administrative Assistant
Office of Representative Tony Staskunas
Assembly Democratic Caucus Chair
State Capitol - 221N
608-266-0620

D-NOTE

2005 ASSEMBLY BILL 168

March 3, 2005 - Introduced by Representatives STASKUNAS, GIELOW, HAHN, POPE-ROBERTS, BERCEAU, LEHMAN, WASSERMAN, F. LASEE, TOWNSEND, ALBERS, AINSWORTH and SHERIDAN, cosponsored by Senators PLALE, MILLER, HANSEN and ERPENBACH. Referred to Committee on Health.

Regen

- 1 AN ACT *to amend* 157.06 (2) (h) of the statutes; **relating to:** prohibiting certain
2 persons from refusing to honor, or from attempting to avoid honoring, a
3 document of gift for donation of an anatomical gift ~~and providing a penalty.~~

Analysis by the Legislative Reference Bureau

which is
Under current law, an individual who is at least 18 years of age may make an anatomical gift (the donation of all or part of his or her body, to take effect after death) by means of a document of gift, a card, a statement attached to or imprinted on an operator's license, an identification card issued by the Department of Transportation, a will, or another writing. An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.

This bill prohibits a donor's family member, guardian, agent under a health care power of attorney or a financial power of attorney, or the personal representative for his or her estate from refusing to honor the donor's document of gift or seeking to avoid honoring the donor's document of gift.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 157.06 (2) (h) of the statutes is amended to read:

ASSEMBLY BILL 168

SECTION 1

157.06 (2) (h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death. No family member or guardian of the donor, no agent under the donor's power of attorney for health care or financial power of attorney, and no personal representative for the estate of a donor may refuse to honor the donor's document of gift or attempt to avoid honoring the donor's document of gift.

(END)

D-NOTE

To Representative Staskunas:

I removed "and providing a penalty" from the relating clause because, although the bill creates a prohibition, an existing (under s. 939.61, stats.) forfeiture, not a newly^{&Δ} created forfeiture, applies to a violation. It was my error to include the phrase previously.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2004/1dn
DAK:jld:nwn

February 27, 2007

Representative Staskunas:

I removed "and providing a penalty" from the relating clause because, although the bill creates a prohibition, an existing forfeiture (under s. 939.61, stats.), not a newly created forfeiture, applies to a violation. It was my error to include the phrase previously.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

Parisi, Lori

From: Clark, Lloyd
Sent: Wednesday, March 07, 2007 10:27 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-2004/1 Topic: Prohibiting refusal to honor a document of gift for donation of an anatomical gift

Please Jacket LRB 07-2004/1 for the ASSEMBLY.